

AARON D. FORD
Attorney General
KATLYN M. BRADY (Bar No. 14173)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
555 East Washington Avenue
Suite 3900
Las Vegas, Nevada 89101
(702) 486-0661 (phone)
(702) 486-3773 (fax)
Email: katlynbrady@ag.nv.gov

*Attorneys for Defendants
Henry Grant, Jonathan Rivera,
Guy Brown, Aaron Dicus,
Brandon Stubbs, and Patrick Moreda*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAVID LEVOYD REED,

Plaintiff,

v.

JAMES DZURENDA, *et al.*,

Defendants.

Case No. 2:19-cv-00326-JAD-BNW

**DEFENDANTS' MOTION FOR AN
EXTENSION OF TIME TO
RESPOND TO PLAINTIFF'S
MOTION FOR A STAY OR
ALTERNATIVELY AN EXTENSION
AND OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT
(ECF NOS. 70 & 73)¹**

Defendants, Henry Grant, Jonathan Rivera, Guy Brown, Aaron Dicus, Brandon
Stubbs, and Patrick Moreda, by and through counsel, Aaron D. Ford, Nevada Attorney

///

///

///

¹ Filings number 70 and 73 appear to be identical as both request a stay of discovery, alternatively an extension, and an opposition to Defendants' motion for summary judgment. ECF Nos. 70 and 73. In compliance with Local Rule IC 2-2, Defendants will file this opposition twice. Once in response to ECF No. 70 and once in response to ECF No. 73.

General, and Katlyn M. Brady, Senior Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby request this Court grant Defendants a short extension to respond to Plaintiff's motions for a stay or alternatively an extension of time or to deny Defendants' motion for summary judgment. ECF No. 70

I. BACKGROUND

On January 21, 2021, Defendants filed a motion for summary judgment. ECF No. 63. On January 27, 2021, Plaintiff filed two omnibus motion requesting: (1) the denial of Defendants' motion for summary judgment, (2) that this matter be stayed until he is released from incarceration, (3) an extension of time to conduct discovery, (4) grant an injunction releasing Plaintiff from incarceration, and (5) the issuances of five subpoenas that do not appear to be related to the pending matter. ECF No. 70.

Plaintiff previously received an extension of time to conduct discovery. ECF No. 48. Despite this, Plaintiff never propounded discovery on the named Defendants. Plaintiff now seeks to serve several subpoenas on non-parties, seeking deposition testimony, video unrelated to this matter, and documents related to another civil case. ECF No. 70-1,2,3,4,5. This Court set a hearing for March 4, 2021. ECF No. 75.

Defendants now seek a short extension to respond to this wide-ranging motion.

II. LEGAL ARGUMENT

Rule 6(b)(1), Federal Rules of Civil Procedure, governs extensions of time and states:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendants respectfully request this Court extend the deadline to file an opposition to Plaintiff's omnibus motion from February 10, 2021, to February 22, 2021. Here, good cause exists based upon counsel's heavy caseload and upcoming leave. Specifically, counsel has been required to complete four summary judgment motions over the last

three weeks.² Upon counsel's return from leave, counsel will have an additional two motions for summary judgment due.³ Further, counsel has been involved in responding to two emergency motions regarding High Desert State Prison (HDSP)'s lockdown procedures.⁴ Finally, counsel is scheduled to go on approved leave from February 8, 2021, to February 12, 2021. The following Monday, February 15, 2021, is a State Holiday and thus counsel's office will be closed. As a result of the multiple dispositive motions, counsel has been unable to complete the opposition to the omnibus motion.⁵

Further, there will be no prejudice to Plaintiff by granting this extension. Defendants request this Court extend the deadline to respond to February 22, 2021. This gives Plaintiff a week to respond to the opposition. Plaintiff will be able to respond prior to the March 4, 2021 hearing if he chooses.

III. CONCLUSION

Defendants respectfully request this Court extend the deadline to respond to the omnibus motions from February 10, 2021, to February 22, 2021. Good cause exists based on counsel's heavy caseload and upcoming leave.

DATED this 8th day of February, 2021.

ORDER

AARON D. FORD
Attorney General

IT IS SO ORDERED

By: /s/ Katlyn M. Brady
KATLYN M. BRADY (Bar No. 14173)
Senior Deputy Attorney General

DATED: 11:38 am, February 16, 2021



Attorneys for Defendants

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

² The cases are: 2:17-cv-00641-JCM-BNW, 2:17-cv-00431-JCM-VCF, 2:17-cv-02500-JCM-NJK, 2:19-cv-00326-JAD-BNW, and 2:17-cv-00641-JCM-BNW.

³ 2:19-cv-00057-GMN-EJY and 2:18-cv-01078-JCM-EJY.

⁴ 2:20-cv-01768-RFB-EJY and 2:20-cv-00518-RFB-VCF. At least one of these preliminary injunctions is related to Bonham's filings in a federal matter.

⁵ Defendants do not oppose granting Plaintiff a reasonable extension to file an opposition to the motion for summary judgment. However, Defendants intend to oppose the request for a stay, additional discovery, Plaintiff's release, and the attached subpoenas. Defendants likewise intend to file a reply in support of Defendants' motion for summary judgment.